

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



February 7, 2014

Andy Shipper, P.E., CBO
Building Official
City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

RE: Ordinance #1681

Dear Mr. Shipper:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on December 23, 2013.

Our review finds the submittal to contain one ordinance modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modification is accepted for filing and is enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in black ink, appearing to read "Enrique M. Rodriguez", is written over a horizontal line.

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



City of Fontana CALIFORNIA

COMMUNITY DEVELOPMENT DEPARTMENT BUILDING & SAFETY DIVISION

December 18, 2013

California Building Standards Commission
2525 Natomas Park Dr., Suite 130
Sacramento, California 95833-2936

RE: City of Fontana Building Code Adoption Ordinance

Dear Sirs:

The City of Fontana has adopted the current Building, Electrical, Mechanical, Plumbing, Existing Building, Green Building Standards, and Residential Codes of the State of California.

The City of Fontana has recommended changes and modifications to the Codes and have advised that certain said changes and modifications to the 2013 Editions of the California Building, Electrical, Mechanical, Plumbing, Existing Building, Green Building Standards, and Residential Codes are reasonably necessary due to local climatic, geological or topographical conditions in the City of Fontana and have further advised that the remainder of said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by the California Building Standards Code or are reasonably necessary to safeguard life and property within the City of Fontana.

I am hereby transmitting one certified copy of the City Ordinance which amends the Codes, including the findings justifying the amendments expressly marked and identified to which amendment each finding refers.

Please provide confirmation that such materials have been received and filed by your office. The local amendments were adopted by the Fontana City Council on December 10, 2013, and will take effect thirty days thereafter.

- Page 1 of 2 -

www.fontana.org

8353 SIERRA AVENUE, FONTANA, CALIFORNIA 92335-3528 (909) 350-7600

If additional information is desired please telephone this office at (909) 350-7640.

Respectfully,

COMMUNITY DEVELOPMENT DEPARTMENT
Building & Safety Division

A handwritten signature in black ink, appearing to read 'Andy Shipper', with a long horizontal flourish extending to the right.

Andy Shipper, P.E., C.B.O.
Building Official
(909) 350-7645
ashipper@fontana.org

Attachments: City of Fontana Ordinance No. 1681

ORDINANCE NO. 1681

AN ORDINANCE OF THE CITY OF FONTANA ADDING, AMENDING AND DELETING CERTAIN ARTICLES, SECTIONS AND SUBSECTIONS OF CHAPTER 5 OF THE CODE OF THE CITY OF FONTANA, CALIFORNIA PERTAINING TO THE CONSTRUCTION AND MAINTENANCE OF BUILDINGS, AND ADOPTING THE 2013 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, KNOWN AS THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, CONSISTING OF THE CALIFORNIA BUILDING CODE, VOLUMES 1 & 2, BASED ON THE 2012 INTERNATIONAL BUILDING CODE; THE CALIFORNIA PLUMBING CODE, BASED ON THE 2012 UNIFORM PLUMBING CODE; THE CALIFORNIA ELECTRICAL CODE, BASED ON THE 2011 NATIONAL ELECTRICAL CODE; THE CALIFORNIA MECHANICAL CODE, BASED ON THE 2012 UNIFORM MECHANICAL CODE; THE CALIFORNIA EXISTING BUILDING CODE, BASED ON THE 2012 INTERNATIONAL EXISTING BUILDING CODE; THE CALIFORNIA GREEN BUILDING STANDARDS CODE; THE CALIFORNIA RESIDENTIAL CODE, BASED ON THE 2012 INTERNATIONAL RESIDENTIAL CODE; AND THE 1997 EDITION OF THE UNIFORM ADMINISTRATIVE.

THE CITY COUNCIL OF THE CITY OF FONTANA DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Fontana ("City") is informed and finds that it is reasonably necessary to amend certain portions of the 2013 Edition of The California Building Standards Code, known as the California Code of Regulations, Title 24, to meet the particular climatic, geological and topographical conditions existing in the City. The City Council further finds that some changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by the Code, or are reasonably necessary to safeguard life and property within the City. The City Council hereby adopts the following (climatic, geological, and topographical, where applicable) findings to support the proposed amendments to the 2013 California Building Standards Code made herein in this Ordinance:

- (a) The City is subject to relatively low amounts of precipitation, very low humidity levels, and extremely high temperatures. These climatic conditions are conducive to the spread of fire. For example, during July, August and September, temperatures often exceed 100 degrees Fahrenheit. During the same months humidity is usually less than 40%, and humidity measurements less than 10% are not uncommon. These conditions contribute to an increased likelihood of fire. Moreover, minor fires have a greater tendency of spreading rapidly due to such conditions.

(Finding applicable to Amendments to California Building Code Sections 903.2 and 1505.5; and California Residential Code Section R313.)

CERTIFIED TRUE COPY
Deborah L. Henderson
CITY CLERK

- (b) The City is subject to extremely strong winds, commonly referred to as "Santa Ana Winds", which reach speeds in excess of 90 miles per hour. Extensive damage often occurs during such winds including fallen trees; blowing sand and debris; downed utility poles, utility circuits, and utility service lines; and structural damage to buildings. These adverse conditions can cause: (1) fires, (2) impairment of emergency apparatus access, (3) delays in response times of emergency apparatus, and (4) the depletion of apparatus readily available for fire suppression activities. These windstorms commonly last from three to seven days.

(Finding applicable to Amendments to California Building Code Sections 501.2, 903.2, 1609.3, 1609.4.3, Table 1504.8, Table 1507.2.7.1(1), Table 1507.2.7.1(2) and I105.2; and California Electric Code Section 225.1; and California Residential Code Sections R301.2.1.4, R313, R319.1, Table R301.2(1), Table R301.2(2), Table R301.2.1.3, Table R905.2.4.1(1), Table R905.2.4.1(2) and AH105.2.

- (c) The City's neighboring foothills create a unique fire hazard. This is because fire service is provided to the City by the San Bernardino County Fire Department and fire units from the City are often sent to assist in the extinguishment of fast moving, wind assisted fires in the neighboring Foothills which destroy or damage many structures, and as such, these units are then unavailable for fire suppression in the City.

(Finding applicable to Amendments to California Building Code Sections 501.2, 903.2, and 1505.5; and California Residential Code Sections R313 and R319.1.)

- (d) Development has occurred in the City and continues to occur in the City and such development has resulted in severe traffic congestion during peak business hours, weekends and holidays, thus decreasing response time particularly on the following streets and highways: Sierra Avenue, Valley Boulevard, Cherry Avenue, Foothill Boulevard, Base Line Road, Highland Avenue, Citrus Avenue, Slover Avenue, Jurupa Avenue, Arrow Route, San Bernardino Avenue, I-15 Freeway and I-10 Freeway. Such traffic and circulation congestion is an artificially created, obstructive topographical condition creating a situation which places fire department response time to fire occurrences at risk, and makes it necessary to provide automatic on-site fire-extinguishing systems and other protection measures to protect occupants and property from fire hazard. Automatic fire protection systems are the single greatest means of reducing the severity of structural fires and that fire loss in unsprinklered buildings is four times greater than fire loss in sprinklered buildings. Numerous fires have occurred within the City in residential structures (houses, apartments, hotels, and motels) over the past several years that have automatic fire protection systems, and in all of these fires, the automatic fire protection systems have successfully controlled and/or suppressed the fire before the emergency response personnel have been able to arrive at the structure.

(Finding applicable to Amendments to California Building Code Sections 501.2 and 903.2; and California Residential Code Sections R313 and R319.1.)

- (e) An extreme and unusual fire hazard exists in the hillsides and other areas of the City south of Jurupa Avenue and north of the I-15 Freeway due to the presence of highly flammable vegetation, the region's dry climate, and frequent hot, dry Santa Ana winds.

(Finding applicable to Amendments to California Building Code Sections 903.2 and 1505.5; and California Residential Code Section R313.)

- (f) The City is located in Southern California, in an extremely active seismic region, with high levels of historic earthquake shaking in the recent past (earthquakes measuring larger than a magnitude 5 on the Richter Scale) and can be expected to experience significant strong ground shaking within the foreseeable future; and

The seismotectonic setting of the City is dominated by the Sierra Madre-Cucamonga fault, which traverses the Northern portion of the City, and the City's close proximity to the San Andreas fault--7 miles to the East, San Jacinto fault--3 miles to the East and Whittier-Elsinore Fault--19 miles to the Southwest; and

In the event of a severe earthquake, these faults present the potential for catastrophic damage, including fire, damage to roadways and other impairments of emergency apparatus. (This information is according to maps used by Cal Tech, Pasadena and provided by the U.S. Geological Survey). Existing and planned developments are at risk from structural damage from earthquake faults. Improved standards are necessary to ensure that maximum safety is provided to persons and property.

(Finding applicable to Amendments to California Building Code Sections 501.2 and 1105.2; and California Electric Code Section 225.1; and California Residential Code Sections R319.1 and Table R301.2(1).)

- (g) The minimum height of a swimming pool barrier shall be modified to comply with Health and Safety Section 115923.

(Finding applicable to Amendments to California Building Code Sections, 3109.3 and 3109.4.1.)

- (h) Aluminum expands and shrinks at a much larger rate than other metals. This property becomes critical for smaller sizes of aluminum conductors, which may break down at a termination point in a seismic event causing a fire. As discussed above, the City is located in an extremely active seismic region.

(Finding applicable to Amendment to California Electric Code Section 110.5.)

- (i) Additional amendments and deletions to the California Building Standards Code, known as the California Code of Regulations, Title 24; the International Building

Code; the International Residential Code; and the Uniform Administrative Code, are administrative or procedural in nature and reasonable and necessary to safeguard life and property within the City.

(Finding applicable to Amendments to the California Building Code Sections 1.8.8, 102.1, 105.2, 113, 202, 501.2, J103.2, and J104.1; California Residential Code Sections 1.8.8, R322.1 and Table R301.2(1); and Uniform Administrative Code Sections 101.4, 103, 204, 205, 301.2.1.2, 301.2.1.5, 304.1, 304.2, 304.3, 304.5.2, 305.5.4, 306, 307, Table 3-A, Table 3-B, Table 3-C, Table 3-D, Table 3-E, Table 3-F, Table 3-G, and Table 3-H.)

- (j) The topography of the City is mostly rocky with large boulders and stones below grade in much of the northern part of the City, which is rapidly being developed; and

Given the topography of the City, it is impractical and unreasonable to remove all rocks 12 inches or more in diameter from certain development areas or place these rocks at more than 10 feet below grade; and

Geotechnical, civil and/or soil engineers have opined that due to the rocky topography of the City the use of rocks with a maximum dimension larger than 12 inches and up to 24 inches as fill material at three feet or more below grade and rocks with a maximum dimension greater than 24 inches as fill material at ten feet or more below grade is safe and prudent.

(Finding applicable to Amendment to California Building Code Section J107.4.)

SECTION 2. Article III of Chapter 5 of the Code of the City of Fontana is hereby amended by rewriting the article in its entirety to read as follows:

Article III. California Building Code

Sec. 5-61. Adoption; copy on file.

The 2013 Edition of the California Building Code, known as the California Code of Regulations, Title 24, Part 2, Volumes 1 & 2, based on the 2012 Edition of the International Building Code, published by the International Code Council, including Appendices C, I, and J, are hereby adopted as the Building Code of the City and reference is hereby made to the copy now on file in the Clerk's Office of the City.

Sec. 5-62. Changes and Amendments.

- (a) Section 1.8.8 of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 and the International Building Code, is hereby amended by rewriting the section in its entirety to read as follows:

Sec. 1.8.8 Appeals Board. The Appeals Board shall be as per Section 204 of the Uniform Administrative Code as adopted by the City.

(b) Section 102.1 of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 and the International Building Code, is hereby amended by rewriting the section in its entirety to read as follows:

Sec. 102.1 General. Where there is a conflict between this code and the Uniform Administrative Code, the Uniform Administrative Code as adopted by the City shall be applicable. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

(c) Section 105.2 Building: 2 of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 and the International Building Code, is hereby amended by rewriting the section in its entirety to read as follows:

Sec. 105.2 Building: 2 Solid fences not over 3-1/2 feet high and open fences with an open surface area of not less than 90 percent (90%) not over 4 feet high.

(d) Section 105.2 Building: 4 of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 and the International Building Code, is hereby amended by rewriting the section in its entirety to read as follows:

Sec. 105.2 Building: 4 Retaining walls which are not over 3 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable or combustible liquids.

(e) Section 113 of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 and the International Building Code, is hereby amended by rewriting the section in its entirety to read as follows:

Sec. 113 Appeals Board. The Appeals Board shall be as per Section 204 of the Uniform Administrative Code as adopted by the City.

(f) Section 202 of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 and the International Building Code, is hereby amended by rewriting the definition for Swimming Pools to read as follows:

Swimming Pools. Any body of water or any structure that contains water over 18 inches (457 mm) deep. This includes without limitation all portable, moveable, collapsible, storable and permanent in-ground,

above-ground and on-ground swimming pools, garden ponds, spas, hot tubs, wading pools, and fountains.

(g) Section 501.2 of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 and the International Building Code, is hereby amended by rewriting the section in its entirety to read as follows:

Sec. 501.2 Address identification. New and existing buildings, apartment units, condominium units, suites, tenant spaces, and similar other units or spaces shall be provided with approved address numbers or letters per Section 5-239 of the Fontana Municipal Code.

(h) Section 903.2 of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 and the International Building Code, is hereby amended by adding thereto a paragraph to the end of the section to read as follows:

Notwithstanding the requirements of Sec. 903.2, an automatic fire-sprinkler system, approved by the Fire Prevention Division of the Fontana Fire Protection District, shall be installed and maintained in all new construction per the requirements of Article II of Chapter 11 of the Code of the City.

(i) Table 1504.8, MAXIMUM ALLOWABLE MEAN ROOF HEIGHT PERMITTED FOR BUILDINGS WITH AGGREGATE ON THE ROOF IN AREAS OUTSIDE A HURRICANE-PRONE REGION, of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 and the International Building Code, is hereby amended by deleting the second, third, and fourth rows of the table and changing the minimum Nominal Design Wind Speed to 100 miles per hour, as found in the fifth row of the table.

(j) Section 1505.5 of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 and the International Building Code, is hereby amended by rewriting the section in its entirety to read as follows:

Sec. 1505.5 Nonclassified roofing. Nonclassified roofing is material that is not listed as a Class A, B, or C roof covering. Nonclassified roofing is not approved for use within the City.

(k) Table 1507.2.7.1(1), CLASSIFICATION OF ASPHALT ROOF SHINGLES PER ASTM D 7158, of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 and the International Building Code, is hereby amended by deleting the second and third rows of the table and changing the minimum Nominal Design Wind Speed to 100 miles per hour, as found in the fourth row of the table.

(l) Table 1507.2.7.1(2), CLASSIFICATION OF ASPHALT ROOF SHINGLES PER ASTM D 3161, of the California Building Code, known as the California Code of

Regulations, Title 24, Part 2 and the International Building Code, is hereby amended by deleting the second and third rows of the table and changing the minimum Nominal Design Wind Speed to 100 miles per hour, as found in the fourth row of the table.

(m) Section 1609.3 of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 and the International Building Code, is hereby amended by adding thereto a paragraph and table to the end of the section to read as follows:

The City is located within a special wind region. The minimum ultimate design wind speed, V_{ult} , shall be:

| Risk Category | Ultimate Design Wind Speed, V_{ult} |
|---------------|---------------------------------------|
| I | 116 mph |
| II | 129 mph |
| III & IV | 135 mph |

(n) Section 1609.4.3 of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 and the International Building Code, is hereby amended by adding thereto a paragraph to the end of the section to read as follows:

Exposure C, as a minimum, shall apply in all cases unless the architect or engineer in general responsible charge can justify to the building official that the building site and surrounding terrain conform to the criteria for Exposure B.

(o) Section 3109.3 of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 and the International Building Code, is hereby amended by changing the height of the top of the barrier to not less than 60 inches (1524 mm).

(p) Section 3109.4.1 of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 and the International Building Code, is hereby amended by changing the height of the top of the barrier to not less than 60 inches (1524 mm).

(q) Section I105.2 of Appendix Chapter I of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 and the International Building Code, is hereby amended by rewriting the section in its entirety to read as follows:

Sec. I105.2 Footings. A patio cover may be supported on a concrete slab on grade without footings, provided all of the following conditions are met:

1. The supporting slab is not less than 3 1/2 inches thick; and
2. The supporting columns do not support live and dead loads in excess of 750 pounds per column; and
3. The patio cover is constructed solely out of aluminum and/or other similar light weight material, and has a current valid International Code Council Evaluation Report or Council of American Building Officials National Evaluation Report (or equal) clearly stating that: (a), a slab 3 1/2 inches thick is structurally adequate; (b), footings are not required; and (c), how the patio cover is to be anchored/held-down to resist uplift forces based on a minimum nominal design wind speed, of 100 miles per hour.

(r) Section J103.2, Exemption 1 of Appendix Chapter J of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 and the International Building Code, is hereby amended by rewriting in its entirety to read as follows:

1. When approved by the building official, grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.

(s) Section J103.2, of Appendix Chapter J of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 and the International Building Code, is hereby amended by adding the following 2 exemptions:

8. An excavation that does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage course that is
 - a. less than 2 feet (610 mm) in depth; or
 - b. does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1 1/2 units horizontal (66.7% slope).
9. A fill that does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage course that is:
 - a. less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope); or
 - b. less than 3 feet (914 mm) in depth, not intended to support structures.

(t) Section J104.1, of Appendix Chapter J of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 and the International Building

Code, is hereby amended by adding thereto a paragraph to the end of the section to read as follows:

All grading plans shall be prepared by a state licensed or registered design professional. Grading in excess of 5,000 cubic yards (3825 m³) shall be prepared by a state registered civil engineer.

(u) Section J107.4 of Appendix Chapter J of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 and the International Building Code, is hereby amended by adding thereto the following Exception:

Exception: The building official may permit placement of larger rock when the soils engineer properly devises a method of placement, and continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

1. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.

2. Rock sizes greater than 12 inches (305 mm) and up to 24 inches (610 mm) in maximum dimension shall be three feet (914 mm) or more below grade, measured vertically. Rock sizes greater than 24 inches (610 mm) in maximum dimension shall be 10 feet (3048 mm) or more below grade, measured vertically.

3. Rocks shall be placed so as to assure filling of all voids with well-graded soils.

SECTION 3. Article IV of Chapter 5 of the Code of the City is hereby amended by rewriting the article in its entirety to read as follows:

Article IV. California Plumbing Code

Sec. 5-86. Adoption; copy on file.

The 2013 Edition of the California Plumbing Code, known as the California Code of Regulations, Title 24, Part 5, based on the 2012 Edition of the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, including Appendices A, D, I, and K, are hereby adopted as the Plumbing Code of the City and reference is hereby made to the copy now on file in the Clerk's office of the City.

Sec. 5-87. Changes and Amendments.

The 2013 Edition of the California Plumbing Code is hereby adopted with no amendments.

SECTION 4. Article V of Chapter 5 of the Code of the City is hereby amended by rewriting the article in its entirety to read as follows:

Article V. California Electrical Code

Sec. 5-111. Adoption; copy on file.

The 2013 Edition of the California Electrical Code, known as the California Code of regulations, Title 24, Part 3, based on the 2011 Edition of the National Electrical Code, published by the National Fire Protection Association is hereby adopted as the Electrical Code of the City and reference is hereby made to the copy now on file in the Clerk's office of the City.

Sec. 5-112. Changes and Amendments.

(a) Section 110.5 of the California Electrical Code, known as the California Code of regulations, Title 24, Part 3 and the National Electrical Code is hereby amended by adding thereto the following:

Aluminum conductors of No. 6 or smaller shall require continuous inspection by an approved independent testing agency for proper torqueing of connections at their termination point.

(b) Section 225.1 of the California Electrical Code, known as the California Code of regulations, Title 24, Part 3 and the National Electrical Code is hereby amended by adding thereto the following:

All new outside wiring on private property shall be underground.

EXCEPTION No. 1: Temporary wiring installed per Article 590.

EXCEPTION No. 2: Services as defined by Article 100 and installed per Article 230, subject to approval by the Administrative Authority.

EXCEPTION No. 3: Wiring in approved conduit and raceways directly attached to a building.

SECTION 5. Article VI of Chapter 5 of the Code of the City is hereby amended by rewriting the article in its entirety to read as follows:

ARTICLE VI. California Mechanical Code

Sec. 5-136. Adoption; copy on file.

The 2013 Edition of the California Mechanical Code, known as the California Code of Regulations, Title 24, Part 4, based on the 2012 Edition of the Uniform Mechanical Code, published by the International Conference of Building Officials, is hereby

adopted as the Mechanical Code of the City and reference is hereby made to the copy now on file in the Clerk's office of the City.

Sec. 5-137. Changes and Amendments.

The 2013 Edition of the California Mechanical Code is hereby adopted with no amendments.

SECTION 6. Article VIII of Chapter 5 of the Code of the City is hereby amended by rewriting the article in its entirety to read as follows:

Article VIII. California Existing Building Code

Sec. 5-186. Adoption; copy on file.

The 2013 Edition of the California Existing Building Code, known as the California Code of Regulations, Title 24, Part 10, based on the 2012 Edition of the International Existing Building Code, published by the International Code Council, is hereby adopted as the Existing Building Code for the City and reference is hereby made to the copy now on file in the Clerk's office of the City.

Sec. 5-187. Changes and Amendments.

The 2013 Edition of the California Existing Building Code is hereby adopted with no amendments.

SECTION 7. Article XVIII of Chapter 5 of the Code of the City of Fontana is hereby amended by rewriting the Article in its entirety to read as follows:

Article XVIII. California Green Building Standards Code

Sec. 5-550. Adoption; copy on file.

The 2013 Edition of the California Green Building Standards Code, known as the California Code of Regulations, Title 24, Part 11, is hereby adopted as the Green Building Standards Code of the City and reference is hereby made to the copy now on file in the Clerk's Office of the City.

Sec. 5-551. Changes and Amendments.

The 2013 Edition of the California Green Building Standards Code is hereby adopted with no amendments.

SECTION 8. Article XIX of Chapter 5 of the Code of the City of Fontana is hereby amended by rewriting the Article in its entirety to read follows:

Article XIX. California Residential Code

Sec. 5-600. Adoption; copy on file.

The 2013 Edition of the California Residential Code, known as the California Code of Regulations, Title 24, Part 2.5, based on the 2012 Edition of the International Residential Code, published by the International Code Council, including Appendix H, is hereby adopted as the Residential Code of the City and reference is hereby made to the copy now on file in the Clerk's Office of the City.

Sec. 5-601. Changes and Amendments.

(a) Section 1.8.8 of the California Residential Code, known as the California Code of Regulations, Title 24, Part 2.5 and the International Residential Code, is hereby amended by rewriting the section in its entirety to read as follows:

Sec. 1.8.8 Appeals Board. The Appeals Board shall be as per Section 204 of the Uniform Administrative Code as adopted by the City.

(b) Table R301.2(1), CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA, of the California Residential Code, known as the California Code of Regulations, Title 24, Part 2.5 and the International Residential Code, is hereby amended by filling in the blanks in the first row to read as follows:

| <u>CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA</u> | |
|---|---------------------|
| GROUND SNOW LOAD..... | Zero |
| WIND DESIGN: | |
| Speed (mph)..... | 100 |
| Topographic effects | No |
| SEISMIC DESIGN CATEGORY | D ₂ or E |
| SUBJECT TO DAMAGE FROM: | |
| Weathering | Negligible |
| Frost line depth..... | 12-24 inches |
| Termite | Very Heavy |
| WINTER DESIGN TEMP..... | 43 |
| ICE BARRIER UNDERLAYMENT REQUIRED | No |
| FLOOD HAZARDS: | |
| Date of adoption of first ordinance (Ord 881) regarding Flood Damage Prevention: June 6, 1987 | |
| Date of latest update of the Flood Insurance Study: August 28, 2008 | |
| Currently Effective Flood Insurance Rate Maps (FIRMS): | |
| <u>Panel Numbers:</u> 06071C7895H, 06071C7915H, 06071C8634H, 06071C8635H, 06071C8642H, 06071C8651H, 06071C8652H, 06071C8653H, 06071C8654H, 06071C8658H, 06071C8666H | |
| <u>Dates:</u> August 8, 2008 for all panels | |
| AIR FREEZING INDEX | 0 |
| MEAN ANNUAL TEMP..... | 60 |

(c) Table R301.2(2), COMPONENT AND CLADDING LOADS FOR A BUILDING WITH A MEAN ROOF HEIGHT OF 30 FEET LOCATED IN EXPOSURE B, of the California Residential Code, known as the California Code of Regulations, Title 24, Part 2.5 and the International Residential Code, is hereby amended by deleting the fourth, fifth, sixth and seventh columns of the table and changing the minimum basic wind speed (mph 3-second gust) to 100 miles per hour, as found in the eighth and ninth columns of the table.

(d) Table R301.2.1.3, EQUIVALENT BASIC WIND SPEEDS, of the California Residential Code, known as the California Code of Regulations, Title 24, Part 2.5 and the International Residential Code, is hereby amended by deleting the second and third columns of the table and changing the minimum 3-second gust wind speed, V_{3s} , to 100 miles per hour and the minimum fastest mile wind speed, V_{fm} , to 85 miles per hour, as found in the fourth column of the table.

(e) Section R301.2.1.4 of the California Residential Code, known as the California Code of Regulations, Title 24, Part 2.5 and the International Residential Code, is hereby amended by adding thereto a paragraph to the end of the section to read as follows:

Exposure C, as a minimum, shall apply in all cases unless justification, to the satisfaction of the Building Official or his/her designee, is provided that the building site and surrounding terrain conform to the criteria for Exposure B.

(f) Section R313 of the California Residential Code, known as the California Code of Regulations, Title 24, Part 2.5 and the International Residential Code, is hereby amended by adding thereto the following Section:

Sec. R313.0 General. Notwithstanding the requirements of Section R313, an automatic fire-sprinkler system, approved by the Fire Prevention Division of the Fontana Fire Protection District, shall be installed and maintained in all new construction per the requirements of Article II of Chapter 11 of the Code of the City.

(g) Section R319.1 of the California Residential Code, known as the California Code of Regulations, Title 24, Part 2.5 and the International Residential Code, is hereby amended by rewriting the section in its entirety to read as follows:

Sec. R319.1 Site Address. New and existing buildings, apartment units, condominium units, suites, and similar other units or spaces shall be provided with approved address numbers or letters per Section 5-239 of the Fontana Municipal Code.

(h) Section R322.1 of the California Residential Code, known as the California Code of Regulations, Title 24, Part 2.5 and the International Residential Code, is hereby amended by adding thereto a paragraph to the end of the section to read as follows:

Notwithstanding the requirements of Sec. R322, all construction within a flood hazard area shall comply with the requirements of Article II of Chapter 12 of the Code of the City.

(i) Table R905.2.4.1(1), CLASSIFICATION OF ASPHALT ROOF SHINGLES PER ASTM D 7158, of the California Residential Code, known as the California Code of Regulations, Title 24, Part 2.5 and the International Residential Code, is hereby amended by deleting the second and third rows of the table and changing the Basic Wind Speed From Table R905.2.4.1(1) to 100 miles per hour, as found in the fourth row of the table.

(j) Table R905.2.4.1(2), CLASSIFICATION OF ASPHALT ROOF SHINGLES PER ASTM D 3161, of the California Residential Code, known as the California Code

of Regulations, Title 24, Part 2.5 and the International Residential Code, is hereby amended by deleting the second and third rows of the table and changing the Basic Wind Speed From Table R905.2.4.1(2) to 100 miles per hour, as found in the fourth row of the table.

(k) Section AH105.2 of Appendix Chapter H of the California Residential Code, known as the California Code of Regulations, Title 24, Part 2.5 and the International Residential Code, is hereby amended by rewriting the section in its entirety to read as follows:

Sec. AH105.2 Footings. A patio cover may be supported on a concrete slab on grade without footings, provided all of the following conditions are met:

1. The supporting slab is not less than 3 1/2 inches thick; and
2. The supporting columns do not support live and dead loads in excess of 750 pounds per column; and
3. The patio cover is constructed solely out of aluminum and/or other similar light weight material, and has a current valid International Code Council Evaluation Report or Council of American Building Officials National Evaluation Report (or equal) clearly stating that: (a), a slab 3 1/2 inches thick is structurally adequate; (b), footings are not required; and (c), how the patio cover is to be anchored/held-down to resist uplift forces based on a minimum nominal design wind speed, of 100 miles per hour.

SECTION 9. Article II of Chapter 5 of the Code of the City of Fontana is hereby amended by rewriting the article in its entirety to read as follows:

Article II. Uniform Administrative Code

Sec. 5-36. Adopted by Reference; copy on file.

The 1997 Edition of the Uniform Administrative Code, published by the International Conference of Building Officials, is hereby adopted by reference as the Administrative Code of the City and reference is hereby made to the copy now on file in the Clerk's office of the City.

(a) Section 101 of the Uniform Administrative Code is hereby amended by adding the following section:

Sec 101.4 Applicability. Where there is a conflict between this code and the Technical Codes, this code as adopted by the City shall be applicable.

Sec. 5-37. Changes and Amendments.

- (b) Section 103 of the Uniform Administrative Code is hereby amended by adding the following definition:

Residential Code is the California Residential Code as adopted by Article XIX of the Fontana Municipal Code.

- (c) Section 103 of the Uniform Administrative Code is hereby amended by rewriting the following definitions in their entirety to read as follows:

Building Code is the California Building Code as adopted by Article III of the Fontana Municipal Code.

Electrical Code is the California Electrical Code as adopted by Article V of the Fontana Municipal Code.

Fire Code is the California Fire Code as adopted by Article XV of the Fontana Municipal Code.

Jurisdiction, as used in this code, is the City of Fontana.

Mechanical Code is the California Mechanical Code as adopted by Article VI of the Fontana Municipal Code.

Plumbing Code is the California Plumbing Code as adopted by Article IV of the Fontana Municipal Code.

- (d) Section 204 of the Uniform Administrative Code is hereby amended by rewriting in its entirety to read as follows:

Sec. 204. Board of Appeals.

Sec. 204.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official, relative to the application and interpretation of the technical code, there shall be and is hereby created an Appeals Board consisting of five (5) members who are qualified by experience and training to pass upon matters pertaining to building construction and building service equipment and who are not employees of the City. The building official shall be an ex-officio member and shall act as secretary to said board but shall have no vote upon any matter before the Board. The Board shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt regulations establishing procedural rules and criteria for the carrying out its duties.

Sec. 204.2 Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of the Administrative provisions of

this Code nor shall the Board be empowered to waive any requirements of the Technical Codes or regulations.

- (e) Section 205 of the Uniform Administrative Code is hereby amended in its entirety to read as follows:

Sec. 205. Violations -- Penalties. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment, system or part thereof or cause or permit the same to be done in violation of this code and the technical codes. Every person, firm or corporation who violates any of the provisions of this Code is guilty of a misdemeanor. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted. Upon conviction such person is punishable by a fine not exceeding one thousand dollars, (\$1,000) or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment for each offense.

- (f) Section 301.2.1.2 of the Uniform Administrative Code, is hereby amended by rewriting the section in its entirety to read as follows:

Sec. 301.2.1.2 Solid fences not over 3-1/2 feet high and open fences with an open surface area of not less than 90 percent (90%) not over 4 feet high.

- (g) Section 301.2.1.5 of the Uniform Administrative Code, is hereby amended by rewriting the section in its entirety to read as follows:

Sec. 301.2.1.5 Retaining walls which are not over 3 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable or combustible liquids.

- (h) Section 304.1 of the Uniform Administrative Code is hereby amended by rewriting the section in its entirety to read as follows:

Sec. 304.1 General. Fees shall be assessed in accordance with the provisions of this section.

Mobile home installations at specifically approved sites, other than in mobile home parks, are subject to the same installation standards and permit fees as imposed by Chapter 2, Title 25 of the California Code of Regulations.

- (i) Section 304.2 of the Uniform Administrative Code is hereby amended by rewriting the section in its entirety to read as follows:

Sec. 304.2 Permit Fees. The fee for each permit shall be set by separate resolution of the City Council, and shall be based as required by California law, on a cost analysis demonstrating that the adopted fees reflect the reasonable cost of providing the services for which the fee is charged. However, whenever the permit fees set by resolution of the City Council, are not applicable to property under the terms of a development agreement, then the applicable permit fees shall be the greater of the following: 1) those fees contained in Section 304.2 of the Uniform Administrative Code; 2) the fees established in the development agreement, or; 3) the fees that were amended in accordance with the development agreement or other subsequent agreement.

The determination of value or valuation under any of the provisions of this code shall be made by the building official. The value shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment.

- (j) Section 304.3 of the Uniform Administrative Code is hereby amended by rewriting the section in its entirety to read as follows:

Sec. 304.3 Plan Review Fees. When a plan or other data are submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be set by separate resolution of the City Council, and shall be based as required by California law, on a cost analysis demonstrating that the adopted fees reflect the reasonable cost of providing the services for which the fee is charged.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 304.2, and are in addition to the permit fees.

Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged as set by separate resolution of the City Council, and shall be based as required by California law, on a cost analysis demonstrating that the adopted fees reflect the reasonable cost of providing the services for which the fee is charged.

However, whenever the plan review fees set by resolution of the City Council, are not applicable to property under the terms of a development agreement, then the applicable plan review fees shall be the greater of the following: 1) those fees contained in Section 304.3 of the Uniform Administrative Code; 2) the fees established in the development agreement, or; 3) the fees that were amended in accordance with the development agreement or other subsequent agreement.

- (k) Section 304.5.2 of the Uniform Administrative Code is hereby amended by rewriting the section in its entirety to read as follows:

Sec. 304.5.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum fee shall be as set by separate resolution of the City Council, and shall be based as required by California law, on a cost analysis demonstrating that the adopted fees reflect the reasonable cost of providing the services for which the fee is charged. However, whenever the fee set by resolution of the City Council, is not applicable to property under the terms of a development agreement, then the applicable fee shall be the greater of the following: 1) the fee contained in Section 304.5.2 of the Uniform Administrative Code; 2) the fee established in the development agreement, or; 3) the fee that was amended in accordance with the development agreement or other subsequent agreement. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

- (l) Section 305.5.4 of the Uniform Administrative Code is hereby amended by rewriting in its entirety to read as follows:

Sec. 305.5.4 Lath and gypsum board inspection, and Fire- and smoke-resistant penetrations inspection.

1. Lath and gypsum board inspection. To be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

2. Fire- and smoke-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers, and smoke partitions shall not be concealed from view until inspected and approved.

- (m) Section 306 of the Uniform Administrative Code is hereby amended by deleting the section in its entirety.

- (n) Section 307 of the Uniform Administrative Code is hereby amended by deleting the section in its entirety.

- (o) Tables 3-A, 3-B, 3-C, 3-D, 3-E, 3-F, 3-G, and 3-H of the Uniform Administrative Code are hereby deleted in their entirety.

SECTION 10. SEVERABILITY/INTERPRETATION

If any provision of this Ordinance, or the application of this Ordinance to any person or circumstance is held to be invalid or void by a court of competent jurisdiction, such invalidity or voidance shall not affect the other provisions or applications which can be given effect without the invalid provision or application; and to this end, the provisions of this Ordinance are required to be severable. This Ordinance shall be liberally construed to achieve the purposes of this Ordinance and to preserve its validity.

If any provision of Chapter 5 of the Code of the City or the application thereof to any person or circumstance is determined to be in conflict with any other applicable code, law, or ordinance, the most restrictive requirements shall be deemed applicable and enforced.


SECTION 11. The adoption of the 2013 Edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, consisting of the California Building Code, Volumes 1 & 2, based on the 2012 International Building Code; the California Plumbing Code, based on the 2012 Uniform Plumbing Code; the California Electrical Code, based on the 2011 National Electrical Code; the California Mechanical Code, based on the 2012 Uniform Mechanical Code; the California Existing Building Code, based on the 2012 International Existing Building Code; the California Green Building Standards Code; the California Residential Code, based on the 2012 International Residential Code; and the 1997 Edition of the Uniform Administrative Code, is exempt from further environmental review under Section 15061(b)(3) of the State CEQA Guidelines, projects with no possibility of significant effects upon the environment. Staff is directed to file a Notice of Exemption.

SECTION 12. This ordinance shall take effect thirty (30) days after the date of its adoption.

SECTION 13. The City Clerk shall certify to the adoption of this Ordinance and shall cause a summary thereof to be published at least five (5) days prior to the meeting at which the proposed Ordinance is to be adopted in the Herald News, a newspaper of general circulation in the City, and shall post a certified copy of the proposed Ordinance in the office of the City Clerk, and within fifteen (15) days of its adoption, shall cause a summary of it to be published in the same manner as specified above, including the vote for and against the same, and shall post a certified copy of the adopted Ordinance in the office of the City Clerk, in accordance with California Government Code Section 36933.

APPROVED AND ADOPTED this 10th day of December, 2013.

READ AND APPROVED AS TO LEGAL FORM:


City Attorney

Ordinance No. 1681

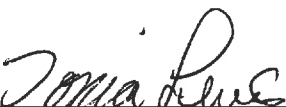
I, Tonia Lewis, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council do hereby certify that the foregoing ordinance is the actual ordinance adopted by the City Council and was introduced at a regular meeting of said City Council on the 12th day of November, and was finally passed and adopted not less than five days thereafter on the 10th day of December, 2013, by the following vote to wit:

AYES: Mayor Warren, Mayor Pro Tem Roberts and Council Members Tahan, Wibert and Sandoval


NOES:

ABSENT:

ABSTAIN:



City Clerk of the City of Fontana



Mayor of the City of Fontana

ATTEST:



City Clerk